

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 7, 2003**

The Tippecanoe County Commissioners met on Monday, July 7, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioners' Assistant Jennifer Weston was absent.)

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the minutes of the June 16, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted for the periods ending June 20, 2003, June 27, 2003, July 3, 2003, and July 7, 2003, seconded by Commissioner Shedd; motion carried.

ORDINANCE 2003-30-CM: Rezone Z-2131, Abbingdon Development LLC R3 to PDRS

- By request of the petitioner, Commissioner Shedd moved to continue Ordinance 2003-30-CM until 10:00 A.M., August 4, 2003, seconded by Commissioner Knochel; motion carried.

PUBLIC HEARING: Ordinance 2003-31-CM: Petition to Vacate an Alley in the Town of Colburn: Thomas & Janice Bray

Ordinance 2003-31-CM will appear in its entirety in the Ordinance and Resolution Book in the Auditor's Office.

Attorney Matt McQueen requested the vacation of the alley that abuts lots 32 through 35 in Robert H. Wagoner's Addition in the Town of Colburn on behalf of the petitioners who own lots 32 through 34. He said the County does not maintain the alley and County Highway Engineer Tim Wells expressed no objection to this request. The alley is not used for egress or ingress by residents. If this is approved, Mr. Bray wants to extend the setback line at the rear of his property so he can build a permanent structure for which he needs a building permit. Mr. McQueen said the owner of lot 35 has given verbal consent to Mr. Bray's request.

Renate Killian, 7115 Virginia St., Colburn, owns the four (4) lots across the alley and wondered if half the alley will be divided since Mr. Bray already has already built a structure in the alley and put up a fence. Attorney Luhman responded that it would usually be divided half to each of the adjoining landowners. If the alley is divided, Mrs. Killian asked if Mr. Bray will have to move the structure. Mr. McQueen explained that Mr. Bray received a letter from Zoning Enforcement Officer Al Levy regarding the placement of the structure in the alley and has begun the process of removing it. If the vacation is approved, Mr. Bray will get 7½ feet and the Killians will get the other 7½ feet of the alley. The additional footage will give Mr. Bray enough space for the proper setback.

Commissioner Knochel suggested voting only on the first reading today to allow dialogue between the Killians and Mr. Bray. Mr. McQueen interjected that there will be no progress until the vacation is approved because Mr. Bray cannot move the building to its new location until the new setback line is determined. When Mrs. Killian said she thought Mr. Bray should have a survey to determine his property line, Commissioner Knochel explained it has been indicated to the Commissioners that the fence and structure will be moved to within his property line when the vacation process is complete and each property owner will be gaining property. When President Benson assured Mrs. Killian that they will get their half of the alley, Mrs. Killian had no

objection to the vacation.

- Commissioner Shedd moved to approve Ordinance 2003-31-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-31-CM passed 3 – 0 on first reading.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-31-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-31-CM passed 3 – 0 on second reading.

PUBLIC HEARING: Ordinance 2003-32-CM: Petition to Vacate Easements in River Bluffs SD: Patrick N. Cunningham & R. Gregg Sutter

Ordinance 2003-32-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Representing the petitioners, Attorney Matt McQueen requested the vacation of utility and drainage easements that run through lots 13, 16, and 18 following a replat of River Bluffs Subdivision last year. He submitted paperwork from all interested parties releasing interest in the easements. These lots have not been sold and no utilities have been placed in the easements.

- Commissioner Shedd moved to approve Ordinance 2003-32-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2003-32-CM passed 3 – 0 on first reading.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-32-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-32-CM passed 3 – 0 on second reading.

PUBLIC HEARING: Petition to Vacate: Ronald M. Baker

- By request of the petitioner, Commissioner Shedd moved to continue the Vacation request for Ronald M. Baker until 10:00 A.M., Monday, July 21, 2003, seconded by Commissioner Knochel; motion carried.

NEW DIRECTIONS: Department of Commerce Grant: Grant Coordinator Jessica Rebmann & Donna Anderson, President of Kenna Consulting & Management Group, Inc. (Refer to 3/3/2003 Minutes)

Mrs. Rebmann explained this Community Focus Fund Proposal for New Directions is the first step in the grant application process. It provides a summary of the project and basic County information. Ms Anderson announced they received a Home Loan Grant in the amount of \$450,000 and are requesting the Commissioners' approval of the proposal and the President's signature.

President Benson asked the status of the zoning issue. Mrs. Rebmann said this issue will not be resolved until after the Commissioners' give final approval of the grant application but that does not violate any Department of Commerce rules. Commissioner Shedd asked the consequences if the rezoning request is not approved. Mrs. Rebmann said if the grant has been awarded, it will be the Commissioners' decision not to accept it due to non-compliance with local zoning requirements.

- Commissioner Shedd moved to approve the grant application and authorize the President to sign, seconded by Commissioner Knochel; motion carried.

NEW POSITION REQUEST: Ancillary Department: Superior Court II Judge Thomas Busch

Judge Busch requested the creation of a full time Translator position due to more cases involving Spanish speaking people. They currently have a non-exclusive contract with Samulowitz & Associates to provide Translators for Spanish as well as other languages such as Chinese. He said he plans to offer the position to Claudia Samulowitz. Judge Busch said there are a couple of issues that have not been worked out such as the market rate for the position or how they will handle the need for a Translator in two courts at the same time. In his opinion, if there is not a need for a full time Translator now, there will be in the near future. He thinks it will be advantageous to have Ms Samulowitz in the Courthouse on a full time basis because of needs that arise on short notice.

Commissioner Shedd asked how they will handle the need for two or more Translators at one time. Judge Busch said he plans to ask for a Part-time line in the Ancillary Budget to pay other Translators on a contractual basis. One of Ms Samulowitz's duties will be to find those people. President Benson noted that Translator expenses already incurred for 2003 show a full time position could be a cost savings provided the contract positions don't cost too much. Judge Busch said he cannot predict how much will be spent for a contractual Translator for this year but needs in the Criminal Justice System are growing. He noted that we provide a Translator only in Criminal Justice cases. If the Commissioners approve the position, he said he plans to inquire if other entities our size have a permanent Translator and the amount they pay.

Commissioner Shedd asked where Ms Samulowitz will be located in the Courthouse and if she will need a computer. Judge Busch said she currently uses a desk in the Ancillary Services Department and, as that department's supervisor, he sees this as another service for the courts. He is not sure if she will need a computer.

President Benson asked what he plans if Ms Samulowitz doesn't want the position. Judge Busch responded that they will advertise for applicants but, if no qualified persons apply, they will continue on a contractual basis.

- Commissioner Shedd moved to approve the creation of a full time Translator position in the Ancillary Budget, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2003-25-CM: UZO Amendment #35, Rural Outdoor Sign Section: Area Plan Assistant Director Margy Deverall

Ordinance 2003-25-CM will appear in its entirety in the Ordinance and Resolution Book in the Auditor's Office.

(quote)

June 19, 2003
Ref. No.03-335

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: ORDINANCE AMENDMENT #35 (RURAL OUTDOOR SIGN SECTION):
Minor corrections to the rural outdoor sign section of the UZO.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 18, 2003, the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Ms Deverall explained that when the rural outdoor sign amendment was passed in May, 2002, these two changes were overlooked. One change creates a category for rural outdoor signs in the "permitted signs by type and zone" table. The second change adds a footnote to that same table.

- Commissioner Shedd moved to approve Ordinance 2003-25-CM, seconded by Commissioner Knochel; motion carried.

MEMORANDUM OF AGREEMENTS: GLASS & DFC for JEDIS: Juvenile Alternatives Program Director Cathy Smith

Ms Smith submitted two Memorandum of Agreements to continue funding for the Juvenile Alternative's JEDIS (Juvenile Alternatives Educational Day-reporting Intensive Services) Program through June 2004. The Agreement with GLASS (Greater Lafayette Area Special Services) will provide up to \$3,500 from July 1, 2003 through June 30, 2004 toward program costs for the JEDIS/Truancy Mediation Program. The Agreement with the DFC (Division of Family and Children) will provide \$17,500 from September 1, 2003 through December 30, 2003 and \$26,250 from January 1, 2004 through June 30, 2004 toward program costs.

- Commissioner Shedd moved to approve the Memorandum of Agreements with GLASS and the DFC for

funding the JEDIS Program through June 2004, seconded by Commissioner Knochel; motion carried.

2004 SALARY ORDINANCES: Auditor Plantenga

Auditor Plantenga presented the 2004 Salary Ordinances that reflect a 2% salary increase from all departments for acceptance.

- Commissioner Shedd moved to accept the 2004 Salary Ordinances that include a 2% raise, seconded by Commissioner Knochel; motion carried.

CONTRACT: Indiana State Board of Animal Health

In this contract with the Indiana State Board of Animal Health, the County agrees to provide \$1,000 for the required Bovine Brucellosis and Tuberculosis Testing Program.

- Commissioner Shedd moved to approve the Contract with the Indiana State Board of Animal Health, seconded by Commissioner Knochel; motion carried.

VILLA APPLICATIONS

- Commissioner Shedd moved to approve the application of Connie Jo Twiggs to the Tippecanoe Villa, seconded by Commissioner Knochel; motion carried.

SHERIFF'S REPORT: Flood Conditions: Sheriff William "Smokey" Anderson

Sheriff Anderson reported many County roads are impassable due to flooding. One such instance is a sinkhole on CR 300N west of E County Line Rd that was created when the road washed away. He said a report from the National Weather Service this morning predicted the Wabash River has crested but they also said it could rise another 2 feet. Sheriff Anderson said many people are displaced and he anticipates areas along the Wildcat Creek and the Wabash River will continue to be flooded for some time. He cautioned people to not drive or walk through moving water. On his way to the meeting, he heard a report from one of his deputies that Haggerty Lane can be opened due to receding water from the Wildcat Creek. He thinks dams located upstream prevented flooding in downtown Lafayette.

IDEM GRANT APPLICATION: Lauramie Creek Watershed Management Plan: Grant Coordinator Jessica Rebmann

Mrs. Rebmann announced that the County was asked by IDEM (Indiana Department of Environmental Management) and the EPA (Environmental Protection Agency) to make revisions to the grant application for the Lauramie Creek Watershed Management Plan submitted by the County Surveyor's Office. One of those revision related to compensation. Previously, 90% of the grant was used to pay for contractual services but, due to the amount of time Surveyor personnel spend working on the grant, the funding will be adjusted to pay approximately \$12,000 of their compensation. She asked the Commissioners to re-sign the grant application.

- Commissioner Shedd moved to approve the request to adjust the funding and to re-sign the application, seconded by Commissioner Knochel; motion carried.

STOCKWELL PLUGGED DRAINAGE TILE

President Benson announced that a plugged drainage tile in Stockwell is affecting several property owners and wondered if there are funding options to correct the situation. Attorney Luhman responded this is an on-going problem but, since it is not a regulated drain, General Drain Funds cannot be used. He noted this is part of the continuing project to get funds from a Lauramie Township Sewer District and the Commissioners have helped by approving the use of EDIT Funds for studies to aid in applying for a grant. If there is a mutual drain, he said the Drainage Board can determine the cause of the obstruction and assess the cost of repair to the parties responsible.

If it is a private field tile, there is no mechanism available through the drainage law to allow the assessment of a charge.

Commissioner Knochel said he understood that the Highway Department might be able to provide a temporary fix since the problem is in the road right-of-way. He suggested inviting the Highway Director and Engineer to the next meeting to determine the progress of the situation.

President Benson asked if there are funds available from the preliminary work on the project. Mrs. Rebmann said the Sewer District has no funds for an operating budget. President Benson then asked if the County can loan the money to fix the problem and receive reimbursement when the grant money comes in. Attorney Luhman said there is no provision to authorize the County to make loans to other governmental entities. If the situation affects the Highway right-of-way then that is a reason for them to take care of the problem. If there are incidental benefits to other people then that's fine, but he thinks that is the first place to look.

REPORTS

Reports from Tippecanoe Villa, Veterans Affairs, Weights & Measures, Treasurer, and Tippecanoe County Public Library are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor